UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/C.12/1993/SR.36
7 December 1993

Original: ENGLISH

COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Ninth session

SUMMARY RECORD OF THE 36th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 1 December 1993, at 10 a.m.

Chairperson: Mr. ALSTON

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GE.93-19735 (E)

The meeting was called to order at 10.20 a.m.

CONSIDERATION OF REPORTS (agenda item 4) (continued)

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (continued)

Second periodic report of Germany concerning articles 13 to 15 (continued) (E/1990/7/Add.12, E/C.12/1993/WP.6)

1. Mr. SASDRICH (Germany), replying to issue No. 5 of the list of issues (document E/C.12/1993/WP.6) concerning efforts to promote awareness of the rights contained in the International Covenant on Economic, Social and Cultural Rights and to disseminate the earlier reports prepared on rights covered by articles 13 to 15 of the Covenant, said that widespread publicity had been given to the Covenant itself, although the reports had not been officially published by the Government. However, copies of the reports were available on request, together with relevant reports prepared by non-governmental organizations (NGOs).

2. Mr. von TRÜTZSCHLER (Germany), in connection with issue No. 9 explained how the teaching staff and scientific personnel in the former German Democratic Republic had been integrated after unification. In his own Land of Thuringia, out of a total of 36,000 teachers, 1,406 had been given notice of termination on grounds of unsuitability. Out of a total of 3,500 scientific personnel in universities, 150 had been dismissed for the same reason. There had to be a good reason for dismissing staff. For example, membership of the former Social Unity Party did not constitute sufficient grounds for dismissal; indeed most of the teachers in the former Democratic German Republic had been members of the Party. The only grounds admitted were specific breaches of humanitarian principles. The Government did not wish to keep in its employment persons who had failed to observe humanitarian principles in the past and might do so in the future. The grounds for dismissing State employees were specified by the Treaty of Unification. They included, the violation of the principles of humanitarian law, the violation of the rights enshrined in the International Covenants on Human Rights and in the Universal Declaration of Human Rights, or the fact of having worked for the former secret police, the STASI. However, there was no automatic dismissal and each individual case was considered on its merits.

3. The STASI had employed approximately 100,000 officials, together with an estimated 500,000 unofficial collaborators who had pried into the private lives of their fellow citizens. Persons deemed to be suspect had been discriminated against, their private correspondence had been intercepted and their phones had been tapped. Official STASI employees had signed a form in which they had declared their willingness to spy on their fellow citizens. As an illustration of a violation of human rights, he cited the case of a student who had been sent down from university in the early 1980s for having sung the West German national anthem. The officials responsible for that decision had not only violated the student's right to freedom of expression, but had also failed to observe the rule of law, since there was no provision in the law of the former German Democratic Republic whereby a student might be expelled from university for such an offence.

4. Mr. GRISSA pointed out that under the system prevailing at the time in the former German Democratic Republic, the State had probably considered that the student had broken the law. The situation had subsequently changed, but the question arose of whether the decision to punish the student had, at the time, been a violation of his human rights. Secondly, it was well known that all States spied. He had read in the Financial Times that a decision had been taken to burn all the archives of the STASI, and he asked whether that was the case. He also asked whether there was any possibility of appeal against dismissal.

5. The CHAIRPERSON pointed out to Mr. Grissa that the punishment inflicted on the student constituted a violation of his fundamental right to freedom of expression.

6. Mr. von TRÜTZSCHLER (Germany) said, in connection with the question raised by Mr. Grissa, as well as by Mr. Kouznetsov earlier, concerning the possibility of appeal against dismissal, that appeals could be filed with the Federal Constitutional Court as well as with the European Court of Human Rights. There had been a number of such appeals, but legal proceedings were inevitably lengthy. In addition, before appealing to either the Federal Constitutional Court or the European Court of Human Rights, it was necessary to exhaust domestic remedies. No exact figures on the outcome of appeals were as yet available: indeed, few cases had reached even the first level of appeal. For the same reason, no case law had as yet been established by the Federal courts.

7. Mr. KOUZNETSOV said that he understood perfectly well that there had not yet been time for the Federal Constitutional Courts to establish case law in that particular field. However, the representative of Germany had indicated that a number of cases had been decided by the lower courts, and he would appreciate some information on their outcome. The Committee had no doubt that the Government of Germany proceeded in compliance with the rule of law and with its international commitments. However, it was possible that the implementation of government policy at the administrative level might be at variance with those commitments. Accordingly, he requested some indication of whether the legal system was able to provide redress for distortions that might occur at the administrative level.

8. Mr. SASDRICH (Germany) said that a total of 140 individual cases had been accepted for consideration by the Federal Constitutional Court. The cases concerned not only teachers, but public servants as well. The Federal Constitutional Court had confirmed that the grounds retained for dismissal in the Treaty of Unification were in conformity with Germany's obligations under the International Covenants on Human Rights, and that they were acceptable, on account of the need to integrate the two very different societies that existed in the former Federal Republic of Germany and the former German Democratic Republic.

9. Mr. von TRÜTZSCHLER (Germany) said that of the teachers who had been dismissed in Thuringia, 1,222 had appealed and 184 had accepted their dismissal. Of the appeals, 583 had been settled amicably, and the teachers had left public service with compensation. Eighty seven had been reinstated, and the remaining cases were still pending. The situation was probably

somewhat similar in the other Länder. Full figures would no doubt be available by the time Germany submitted its next periodic report.

10. Mrs. Ider and Mr. Kouznetsov had asked whether teachers in the former German Democratic Republic were given training to allow them to work within the new educational system. They were of course offered the opportunity to take refresher courses to qualify them to work under the new democratic system. There were certain subjects, such as Marxism-Leninism, for which there was no call in the unified Germany. Universities provided one year courses for teachers from the former German Democratic Republic to qualify them to teach in the former Federal Republic of Germany. As far as languages were concerned, the demand for Russian had naturally declined and there was a shortage of English teachers, as well as of teachers of other languages. Refresher courses were provided to retrain language teachers. Of course, not all the 36,000 teachers in Thuringia required retraining. In particular, mathematics and science teachers encountered less problems of adjustment.

11. Turning to issue No. 15, he said that he would deal first with the third part of the question, which related to the legal possibilities of establishing non-Christian, and particularly Islamic, denominational schools and to the financial status of such schools. The Basic Law guaranteed the right to establish private schools as well as the right of parents to choose the education they wished to give to their children. If a public school of a type desired by a sufficient number of parents did not exist, a school of that type could be established and would receive full financial support from the State provided that criteria as to teachers' qualifications, school buildings, etc., were met. In Bavaria, for example, an Islamic primary school fully financed by the State had been established at the initiative of a number of parents some 10 or 15 years earlier. The applicable constitutional provisions were valid in all the Länder.

12. The answer to the second part of the question as to the possibilities of religious education for pupils belonging to the Islamic faith in the German public school system was that religious instruction in all denominations was guaranteed provided a certain number of parents requested it.

13. In reply to the first part of the question relating to an article of the Bavarian Education Act of 1988, he said that the Federal Constitutional Court had considered the matter and had reached the conclusion that the provision was acceptable on the understanding that instruction based on Christian principles was dispensed in a spirit of tolerance and without any coercion, and also that sufficient time was set aside for the study of other religions and doctrines. Christianity was not taught in a narrowly doctrinaire way in Bavaria or anywhere else in Germany.

14. Replying to a question raised by Mr. Marchan Romero at the previous meeting concerning the impact upon the reading public of the payment of authors' royalties, he said that the matter was governed by agreements between the Länder and individual communes, as operators of public libraries, and copyright organizations representing the interests of authors. Royalty payments were not passed on to public library users. A similar arrangement existed in respect of school textbooks and manuals, which, like library books, were provided free of charge.

15. Mr. Badawi's question about private schools and universities had, to some extent, already been answered in connection with issue No. 15. In addition, he wished to draw attention to the fact that State support to private schools was granted only on condition that the school, even if fee-paying, did not promote segregation on the basis of parental income. In practice, that meant that a private school would be authorized only if it showed that its fees were not excessive and that scholarships were provided for the children of poorer parents. It should be noted that, in contrast to the Anglo-Saxon countries, Germany had only a very small proportion of private schools, which accounted for not more than 1 or 2 per cent of all schools. Universities, too, tended overwhelmingly to be public; only three small specialized private universities were in existence. In order to obtain State recognition of their degrees or diplomas, such universities had to meet a number of criteria and to offer a number of places at greatly reduced fees or free of charge to students whose parents were not in a position to pay the full amount.

16. Mr. Ceausu had asked for an updating of the figures supplied in paragraph 43 of the report (E/1990/7/Add.12) concerning public expenditure on art and culture. The latest figures available were from 1990, when approximately 58 per cent of public expenditure on culture had been met by municipalities, approximately 40 per cent by the Länder and some 2 per cent by the Federal State. In that year public expenditure on art and culture had amounted to some DM 10.3 billion, i.e., a per capita expenditure of DM 162, and virtually 0.9 per cent of total public expenditure. Another question by Mr. Ceausu had concerned the social science programme for first cycle secondary schools in the Land of North Rhine-Westphalia, referred to in paragraph 7 of the report. A slight misunderstanding had perhaps arisen as a result of translation, the German word Raum having been correctly translated as "scope" in the English text and somewhat less felicitously as espace in the French text of the report. The objective in question was to make pupils aware of the need for tolerance and of the rights of others in the process of developing their own personality.

17. Mr. BOEGER (Germany), replying to issue No. 8, said that under a decision adopted in May 1990, school and university certificates acquired in the former German Democratic Republic would enjoy validity throughout Germany until 1996, by which time, subject to article 37 of the Treaty of Unification, the entire educational system, including art and music schools, theological and engineering colleges, military and police colleges, post-graduate schools, etc., would have been brought into line with the system in force in the Federal Republic.

18. Reverting to issue No. 9 concerning the integration of teaching staff from the former German Democratic Republic, he said that after unification, the five new Länder of the former German Democratic Republic had drawn up their own rules for the further employment or dismissal of teaching staff. Those continuing to be employed had been integrated into the new system at all levels. Those dismissed had been offered retraining possibilities for middle management posts in tourism, banking, insurance, personnel management, marketing, environmental protection and other sectors of the economy.

19. In reply to issue No. 11, he said that respect and protection of human rights were guaranteed under Germany's Basic Law. The objective of school education was to provide the best possible conditions for the development of the individual student on the basis of full equality and in a spirit of respect for human dignity and human rights. Those principles were reflected in the educational programmes and curricula of the separate Länder, which strove to educate students in a spirit of tolerance and respect of the opinions and convictions of others and of awareness of human rights, whether civil and political or economic, social and cultural. The same ideals were reflected in textbooks and other teaching materials as well as in the continuous training schemes provided for teachers.

20. Replying to issue No. 12, he said that the latest available figures showed that 8.2 per cent of pupils of German parentage had left the school system without the certificate awarded at the end of compulsory schooling. The discrepancy between that figure and the corresponding figure for foreign pupils was not as great as might appear at first. The reasons for the discrepancy included the fact that a number of the foreign pupils tended to shuttle back and forth between the country of origin and Germany, a situation that was hardly conducive to success at school, and the fact that many came to Germany at a relatively late age and were kept back by the difficulty of learning the language. In that connection, he pointed out that German employment offices offered special counselling services to young foreigners with a view to facilitating their access to further education. Information brochures about the services were being produced in sufficient quantities in the foreign students' main languages.

21. With regard to issue No. 13, the relatively small number of women in academic careers reflected a situation which differed little from that of other professions. The chief causes were the obvious ones relating to family demands. Several remedies were being applied, such as a special higher education programme designed to take account of women's other commitments. Other measures included re-entry and other special scholarships, and additional support for children's requirements. A progress evaluation by a joint Federal/Länder commission had been completed in mid-1992, and its findings indicated a welcome upswing in women's participation. Of 64 professorial posts reviewed, 13 were held by women; the figure, although perhaps not high, represented roughly 20 per cent of the total, compared to about 5.5 per cent previously. It would have to be seen, of course, whether the trend continued.

22. With regard to issue No. 14, education in Germany to secondary level was free of charge; at higher levels, fees could be levied. A reorganization was being carried out, aimed at reducing the duration of university study courses. Some of the Länder sought to apply provisions to the effect that persons studying for a second qualification might be required to pay fees.

23. One of the questions raised during the Committee's previous meeting related to the welfare of ethnic German settlers from south and south-east Europe. Currently there were between 250,000 and 300,000 of them in Germany, and DM 200 million had been allocated towards their welfare. The budget included DM 16 million towards measures to assist in integrating into the economy those who possessed suitable qualifications. The programme also

provided payment for two years of study at university level and measures to enable the Länder to facilitate the employment of persons who had taken refresher courses.

24. With regard to a further question raised about financial support for education, figures obtained from the Ministry of Education showed that the amount had risen in 1993 to some DM 6.5 billion from a previous level of below DM 4 billion. The major part had been allocated to promoting education and building new premises; DM 125 million was allocated to further training and research, and DM 28 million was earmarked for assisting specially gifted and other promising students.

25. A question had been asked about restrictions on studying at a recognized public university. There were, indeed, some restrictions, especially in regard to the study of medicine, architecture, industrial management, law and national economy; but the restrictions amounted to waiting lists, not exclusions. Spheres of choice were further restricted by the tendency for places at certain universities to be much more sought after than places at others.

26. Mr. von TRÜTZSCHLER (Germany), referring to issue No. 7, recalled the information he had provided at the previous meeting. Pursuant to articles 13-15 of the Covenant, the Basic Law and the Constitutions of the Länder established that every German citizen, without any distinction, was entitled to education. In that connection, and in reply to a question raised by Mr. Rattray, he said that the citizen's right of access to educational institutions, especially universities, was comprehensively safeguarded by Federal Constitutional Court rulings and jurisprudence, including a number of rulings dealing expressly with entry restrictions.

27. With regard to issue No. 16, he could assert that handicapped persons had the right to participate in all social and recreational activities. The Government was not pleased at the decision of the Flensburg District Court of 1 October 1992, referred to under that issue; but judges acted independently, and it was not felt that the circumstances warranted action by the Legislature.

28. Mr. Badawi and Mr. Wimer Zambrano had asked for details about the number of foreigners seeking German nationality. The number was quite small, perhaps surprisingly so. Of some 6 million foreign nationals in Germany, roughly 140,000 had acquired German nationality in 1991, including some 40,000 persons under 18 years of age.

29. Mr. Alvarez Vita had asked for further information about the situation in regard to judges in the former German Democratic Republic, and whether measures similar to those taken in regard to them applied also to university and other teaching staff from that former State. The problem was to ensure that persons having held such offices in a former dictatorship would, if they remained in office, understand and uphold the principles of freedom - a problem that had been recognized in the former German Democratic Republic even before ratification of the Treaty of Unification. In general, former officials had remained in office pending a review by special commissions, pursuant to legislation adopted in 1990. The review of a person's record

endeavoured to take into account the extent to which his actions might have been prescribed by the former State structure and ideology. It was vitally important, in assessing the calibre of judges and attorneys, to keep in mind that, in a democracy, the State administration had to heed decisions handed down by the courts. Some mistakes had been made, but the relevant review bodies had done their best to be fair. Only some 50 per cent of the judges and public prosecutors of the former German Democratic Republic had remained in office, whereas less than 4 per cent of teaching staff had been dismissed.

30. Mr. Alvarez Vita had also asked about the situation relating to Germany's succession to treaties ratified by the German Democratic Republic. Pursuant to article 12 of the Treaty of Unification, negotiations had been conducted with a view to establishing which treaties could be maintained and which must be rescinded, bearing in mind throughout the former Federal Republic of Germany's contractual obligations as well as the principles of confidentiality and of free and democratic order based on the rule of law. Of roughly 3,000 treaties under international law ratified by the German Democratic Republic, some 2,000, mostly political in nature such as treaties of friendship and military cooperation in the context of the Warsaw Treaty, had been rescinded. On the other hand, a number of instruments of an economic nature, such as those relating to the Russian Federation and other independent States of the former Soviet Union, could be maintained in substance. In addition, a number had been maintained on humanitarian grounds, such as those governing international scholarships and the situation of Vietnamese workers in the former German Democratic Republic.

31. Mrs. Jiménez Butragueño had asked for some indication of the extent to which non-governmental organizations had influenced the dialogue with teachers and professors of the two formerly separate States. The difficulties faced by teachers in the German Democratic Republic had been recognized, and a great deal of effort was being put into facilitating their retraining, with the collaboration of several organizations; he himself had participated in many of the early meetings, and could assert that a constructive dialogue had been established.

32. Mr. SASDRICH (Germany) said that the matters arising from the Committee's discussion with his delegation would be studied carefully by the Federal Government and the individual Länder. Further statistics had been requested, as well as information, referred to in the question by Mrs. Ider, on comparative development patterns following the Treaty of Unification. Data in that regard would be provided in the core document currently being finalized. In addition, a document would be prepared containing further information on experience in implementing and evaluating the various programmes and on relevant judicial decisions.

33. Since it would take some considerable time to obtain suitable replies from the authorities of the Federal Government and the Länder to all the points raised by the Committee, and since his country's next periodic report was due in 1994, he suggested that the information requested might be provided, in a more precise and detailed fashion, in that report. He thanked the Committee for the opportunity of presenting the current report, exchanging views and perhaps removing one or two misunderstandings.

34. Mrs. BONOAN-DANDAN said that she would like to know whether Germany would support an optional protocol to the International Covenant on Economic, Social and Cultural Rights, and the reason for its reply.

35. Mr. SASDRICH (Germany) recalled that his country had supported the Optional Protocol to the International Covenant on Civil and Political Rights, and said that the question of an optional protocol to the International Covenant on Economic, Social and Cultural Rights was under discussion. Complications arose, however, because of a number of important concerns, one of which related to the right of non-German citizens to lodge individual claims - a matter which involved conformity with domestic conditions, such as the legal residence requirement. Such concerns raised questions about how the Covenant was to be interpreted on the basis of German legislation. Therefore, further careful consideration was called for.

36. Mr. ALVAREZ VITA thanked the German delegation for its replies. Unfortunately, however, he had heard no reply to his question regarding copyright. It seemed to him that paragraph 65 of the initial report (E/1982/3/Add.14) was drafted the wrong way round, in so far as it appeared to indicate that German copyright law was based on the International Convention on Economic, Social and Cultural Rights rather than on the Berne Conventions. He would like to know whether a mistake had been made or whether some further legal issue was involved.

37. Mr. SASDRICH (Germany) said that his delegation would need more time in which to investigate the matter and would reply in its next report.

38. Mr. RATTRAY thanked the German delegation for its replies, particularly for its explanations of how teachers had been treated following reunification. The German delegation would presumably accept that in a free and democratic society there must be freedom of thought and expression on all subjects. He was disturbed by the fact that in the new Germany the teaching of Marxism-Leninism was prohibited in schools, a situation which suggested that the scope for ideological pluralism in the educational system was limited.

39. Mr. von TRÜTZCSHLER (Germany) replied that the teaching of Marxism-Leninism was not prohibited. However, interest in it had declined substantially. Teachers were free to speak about it, but the subject was much less in the forefront. Nothing had changed with regard to the expression of alternative opinions. Priority had to be given to freedom of expression and teaching, but that freedom was not unlimited. Various human rights instruments allowed for restrictions on it in certain conditions. In Germany, for example, teachers could not avail themselves of the freedom of expression in order to support incitements to the use of force. They must respect basic democratic principles and must not violate the law. Nevertheless, Marxism-Leninism could be taught in any German school.

40. Mrs. JIMÉNEZ BUTRAGUEÑO said that she still had some doubts regarding the lower proportion of women at nearly all levels of education. She wondered why so much importance was attached to housewives and was disappointed to note that the German delegation did not include a woman. She would also appreciate some information on the possibility of operating State schools as denominational schools, mentioned in paragraph 35 of the report, and on the

presence of the elderly in education, both as teachers and students, and on their opportunities to participate in cultural life on special terms.

41. Mr. SASDRICH (Germany) replied that his colleague in the delegation was replacing a lady who had been unable to attend. The other information requested would be included in his country's next report.

42. The CHAIRPERSON thanked the German delegation for its replies. The Committee's concluding observations would be adopted towards the end of the following week. The Committee would take into account the German delegation's request concerning the date of submission of its next report. The Committee still had to finalize its policy on the matter, but by the time the concluding observations became available it should be able to give a clear reply.

43. Mr. von Trützschler, Mr. Jelonek, Mr. Meyer-Ladewig, Mr. Siegele, Mr. Boeger, Mr. Sasdrich and Mr. Daum (Germany) withdrew.

SUBMISSION OF REPORTS BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (agenda item 3)

44. The CHAIRPERSON said that, in the matter of granting deferrals for the submission of reports, the Committee had basically three options. First, it could insist that reports were submitted on time, regardless of the circumstances, since the mere making of allowances created an incentive to report late. Second, it could assume that the five-year interval began to run from the date of submission of the latest report. Third, it could reach its decisions on a case-by-case basis. If the latter option were accepted, the Committee could take account of the regularity with which previous reports had been submitted and of the number and range of issues involved. Where a situation was considered serious, the State party could be requested to submit a report within one year, if it was due, or submission could be postponed. In the case of Canada, a detailed report had been submitted and the next report was due in mid-1995. Should it be deferred by one, two or three years? The next report by Germany - a global report covering all rights - was due on 30 June 1994, but the Government could not meet that deadline. Iceland's next periodic report was due on 30 June 1995, but an extension could be granted.

45. Mr. CEAUSU said that if Germany's next report was to be considered in three years' time, it should be submitted one year beforehand. Otherwise the material contained in it would be obsolete.

46. The CHAIRPERSON observed that Mr. Ceausu's point constituted another important factor. Planning would be much easier if States parties reported on time, but at present that was not the case.

47. Mr. BADAWI said that he supported the third alternative. However, the Committee should try to adhere to its timetable and should defer consideration of reports only in exceptional circumstances.

48. Mr. SIMMA pointed out that in the case of Germany parliamentary elections were due to be held in November 1994, a new Government would be in place in February 1995, and new legislation would be introduced in Parliament in the

autumn of 1995. Consequently, the autumn of 1995 would be the earliest time at which a meaningful report could be submitted, and the spring of 1996 would be better.

49. The CHAIRPERSON noted that in many countries, including Australia, elections were held frequently.

50. Mr. MARCHAN ROMERO said that the Committee needed some up-to-date information on the reports that were pending. Some countries had not yet submitted any report at all. In any case, the Committee should try to adhere, as far as possible, to its schedule. It had accustomed States parties to the need to submit reports on time every five years, although there were some countries whose circumstances merited a flexible approach. In principle, however, all States parties should submit their reports in accordance with the schedule established by the Committee.

51. The CHAIRPERSON asked what kind of extension should be allowed, for example, to Germany, whose next report was due on 30 June 1994.

52. Mr. TEXIER said that he supported a flexible approach. The Committee had no sanctions to impose and should proceed on a case-by-case basis. It would be helpful to know how many reports were currently awaiting consideration. The schedule for the Committee's tenth session had already been established, but the arrangements for the eleventh session were not yet clear. Uruguay's initial report had been ready for some time, and the more time that passed before it was considered, the more obsolete it became. In the case of Germany, it was true that elections were coming up, but elections were taking place somewhere or other all the time. Some elections resulted in real changes, as had happened in Nicaragua and some countries in Eastern Europe, with considerable consequences for the implementation of the Covenant. In most cases, however, elections rarely led to important changes in policy. So pragmatism was required, in combination with firmness. A serious problem had arisen at the eighth session, when the Committee had been unable to work for three days because several States parties had requested deferrals.

53. Mrs. BONOAN-DANDAN said that the Committee should adopt a flexible approach while endeavouring to adhere to a good firm schedule. In the case of Germany, it would be more constructive to wait for new legislation, but that was not so in the case of most other countries. Deferrals should therefore be allowed only in exceptional circumstances.

54. Mr. SIMMA said that the approach recommended by the previous speaker should be applied to Germany, whose Government's views on the timing of reports deserved to be taken into account. Germany's report had been finalized in the autumn of 1989 and submitted to the Centre for Human Rights in early 1990. Consequently, it had been awaiting consideration for three and a half years. The Government of Germany had been partly responsible for the delay in considering it, but the report had not been considered earlier mainly because the Committee had not been able to take it up for reasons of time. The Government of Germany should not be held accountable for that. The fact that the consideration of a report had been deferred for years should be accepted as a ground for deferring consideration of the following report.

55. The CHAIRPERSON said that the issue could not be resolved at the present stage. However, the Secretary had assured him that the date of submission of the report had been January 1992.

56. Mr. WIMER ZAMBRANO stressed the need for flexibility in some cases. However, the representative of Uruguay had given no excuse at all for postponing consideration of his country's report. Also, the delegation of Germany had evidently been unaware that it was expected to respond to the list of issues in writing. That requirement should be made clear to States parties.

57. The CHAIRPERSON said that the various matters referred to were being discussed by the Working Group and they would no doubt be made clear in the proposals which the Working Group was due to make. In retrospect, he considered that he himself had made a mistake in relation to Uruguay, in so far as he should have acknowledged the request and indicated that the Committee would consider it. In that way the Committee would have had a more effective discussion on the response to be made.

58. He suggested that, since there seemed to be a consensus, he should draft a text emphasizing the principle of reporting on time and indicating that delays would be countenanced only in exceptional circumstances and that the Committee might be prepared to show some flexibility on a case-by-case basis.

59. It was so agreed.

The meeting rose at 1.05 p.m.